

# March 18, 2002: "Religious Freedom and U.S. Foreign Policy."

Presented by Commissioner Richard D. Land

United States Commission on International Religious Freedom  
Religion, Politics, and Human Rights

Russian Academy of Public Service

Moscow, Russia

March 18, 2002

## Introduction

Russia has been traveling on its path of democratic transition for over a decade, freed from communist rule and the anti-religion policies that were a central feature of that system. There has been an enormous growth in religious activity throughout Russia since 1989. Yet, the internationally recognized right to freedom of religion is not fully respected or secured. Despite the significant steps to protect religious freedom taken by the government and the courts, laws do not conform to international human rights standards and abuses of religious freedom occur.

I'm not here to lecture you. What I would like to do is to take some time to explain U.S. foreign policy to promote religious freedom around the world, and how the agency that I represent - the U.S. Commission on International Religious Freedom - fits into the implementation of that policy. I would also like to speak frankly about the Commission's concerns with regard to religious freedom in Russia, and some of the recommendations that we have made to the U.S. government to promote religious freedom in Russia. Finally, I will speak briefly to some of the challenges that terrorism presents to respect for religious freedom.

## The International Religious Freedom Act of 1998

My Commission - the U.S. Commission for International Religious Freedom - was created by the U.S. Congress as part of a law called the "International Religious Freedom Act of 1998." That law codified the policy of the United States to oppose violations of religious freedom and to promote respect for religious freedom throughout the world. It developed from a concern by a broad spectrum of the American people over serious violations of religious freedom in many parts of the world. These many groups of Americans wanted U.S. foreign policy to reflect that concern. The law was passed unanimously by both houses of Congress.

The International Religious Freedom Act created an Ambassador-at-Large for International Religious Freedom in our State Department, and it requires the State Department to submit an annual report to Congress on conditions of religious freedom around the world. So far, three annual reports, each covering over 190 countries, have been issued. The law also generally requires that the President of the United States take action in response to the worst violations of religious freedom, but it does much more. The law identifies several positive actions that the U.S. government can take - through its foreign assistance programs, educational and cultural exchanges, and other avenues - to assist foreign governments to greater respect of religious freedom by, for example, advancing the rule of law, legal reform, education, and civil society building. In other words, the approach is not simply one of sanctions against violators, but flexibility in choosing a response that is most likely to be effective.

As I mentioned, the law also created the U.S. Commission on International Religious Freedom - the agency that I represent. The Commission is made up of nine individuals - all private citizens - from the fields of international law, human rights, foreign policy, and religious affairs. The Commission itself is part of the U.S. government, but we are separate and independent from the State Department, the Executive Branch and the Congress. We have two primary tasks: first, to monitor religious freedom violations throughout the world; and second, to make recommendations to the U.S. government on how to promote religious freedom in other countries as part of American foreign policy.

I cannot stress strongly enough that American interest in promoting religious freedom in other countries is not an attempt to enforce American values on others. It is not an attempt to dictate to others that they should adopt the American system of church-state relations.

Americans care deeply about their own freedoms, particularly their religious freedom. Freedom lies at the core of the founding of our country, and it is an ideal to which we continuously strive. Our foreign policy reflects those values. Moreover, promotion of respect for religious freedom abroad is an integral part of U.S. policy to promote all human rights.

But concern for religious freedom and other human rights reflect values that are not exclusively American. We are committed to the defense and promotion of a fundamental human right that is universal: the right of religious freedom. These are universal values recognized by virtually every country around the world and expressed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

These values are equally expressed in the European Convention for Human Rights, as well as the Helsinki Final Act and other documents of the Organization for Security and Cooperation in Europe. As you well know, these values have played an important role in the historic

transformation of Russia. Human rights, including religious freedom, have been embraced in the Russian Constitution and through Russia's international commitments. And if you read the law that created the Commission on which I serve, you will see that the standards found in the international documents that I just mentioned guide U.S. policy in promoting religious freedom abroad.

Let me make one more important point. The law is clear that it is U.S. policy to oppose violations of religious freedom wherever they occur. This means it applies to friends as well as to foes. It applies to countries that receive assistance from the United States, as well as those that are under economic sanctions. It is a consistent policy and my Commission has an important role to play to ensure that the policy is applied fully. I can tell you that I have just last week come from Belgium and France. Along with two of my fellow Commissioners, we met with religious groups and other nongovernmental organizations, lawyers, experts, as well as government officials to discuss the conditions of religious freedom in those two countries - two close allies of the United States. We also had an opportunity to meet with officials at the Council of Europe.

#### The Work of the U.S. Commission on International Religious Freedom on Russia

Russia was one of the first countries that attracted the interest of our Commission when it began its work in 1999. The Commission selected Russia not because the human rights situation was comparable to that of countries such as China or Sudan, but for different reasons. The first was Russia's influence throughout Europe and Central Asia. Many countries continue to look to Russia as a model for policy and for legislation on religious communities. Unfortunately, in several of these countries the rule of law, an accountable government, and an independent judiciary have barely begun to develop.

The second reason to focus on Russia was because the future of religious freedom there was uncertain on account of the implementation of the 1997 Religion Law. That future still appears uncertain.

The third reason was because the steadily growing relationship between Russia and the United States provided the opportunity for the U.S. government to discuss frankly its concerns about religious freedom and other human rights. The international campaign against terrorism has brought the United States and Russia even closer together. From the Commission's point of view, this provides more opportunities to talk and to deepen the exchange over human rights issues. At the same time, however, cooperation on terrorism presents a challenge. It presents a challenge to the respect for human rights, and in particular, to religious freedom. That challenge is an important theme of this conference, and I will speak a little bit on it in a moment.

The Commission has issued reports on Russia with foreign policy recommendations for the U.S. government in 2000 and 2001. These reports are available for all to see on the Commission's website. I would like to briefly summarize the conclusions and recommendations contained in those reports.

Both reports acknowledge that Russia is at an important moment in its development as a democratic country that respects religious freedom. The implementation of the 1997 Religion Law and the expiration of the deadline for re-registration of religious organizations under that law were important tests of Russia's commitment to religious liberty. They still are today. The relationships between the Russian state and its religious communities - as well as the relationships between Russia's many religious groups - have not been fully formed. We understand that these issues are hotly debated in Russia. The outcome of that debate - in other words, how relationships are expressed in the laws and official policies in Russia - will be critical to laying the foundations for protecting religious freedom and other human rights.

In its reports the Commission has recognized several positive steps taken by Russian officials to protect religious freedom, in particular through decisions by Russian courts. The recent decision by the Russian Constitutional Court in a case involving the Salvation Army appears to be another positive step to ensure that the interpretation and enforcement of the 1997 Religion Law does not result in violations of religious freedom protected under the Russian Constitution and international conventions.

Yet significant problems remain. Our State Department, along with religious groups and other nongovernmental organizations, report that over 2000 religious groups face liquidation for failure to re-register under the 1997 law. Dozens of groups have already been liquidated including several that apparently are actively functioning.

Numerous amendments to the 1997 Religion Law have been recently proposed. Additional laws on religious groups have also been proposed, such as the proposed law on so-called "traditional religious organizations." A proposal to amend the 1997 Religion Law to combat religious extremism should be of special interest to all of us at this conference. If enacted and enforced, several of these new legal provisions will inevitably restrict religious freedom or result in discrimination on the basis of religion. Last week, several of our Commission members visited France and Belgium, where similar laws are already creating an atmosphere of intolerance, an apparatus of discrimination, and an increasing suppression of religious freedom.

The Commission has also expressed its concern about discriminatory laws, policies, and practices at the local and provincial level.

Local officials have harassed and interfered with the activities of religious communities, preventing them from constructing, renovating, or renting suitable places for worship; distributing religious publications; and conducting religious education. Protestant, Catholic, and Muslim indigenous believers and foreign missionaries have been harassed by security officials, denied re-entry visas, and even expelled, for propagating their faith. One-third of Russia's constituent regions have enacted legal regulations on religious activities that are more restrictive than the 1997 Religion Law and that the Russian federal government believes may violate the Constitution. Finding an effective method of disciplining local officials for human rights violations or bringing regional laws and practices into line with constitutional human rights guarantees is a difficult but essential task in any federal democracy.

Finally, the Commission has also reported its concern over

- anti-Semitic, anti-Muslim, and other extremist activities targeting religious minorities;
- visa, residence, and citizenship decisions regarding foreign missionaries and other religious workers;
- official interference in the internal disputes of religious communities (such as the Jewish community); and
- demands for a closer cooperation between any arm of the state and the Russian Orthodox Church that could result in preferential treatment for the Russian Orthodox Church or official discrimination against other religious communities.

In light of these concerns, the Commission has made several recommendations for U.S. foreign policy. The Commission has recommended that the U.S. government continue to monitor religious-freedom issues closely and to raise them with the Russian government at the highest levels. The Commission believes that the responsiveness of the Putin government to U.S. concerns regarding religious freedom is an important indicator of the Russia's commitment to uphold its international human rights obligations.

The Commission has also recommended that Congress maintain the provision that prohibits U.S. foreign assistance to the Russian government unless the U.S. President certifies that it has implemented no law that discriminates against religious groups in Russia in violation of international human rights agreements to which Russia is a party. In the aftermath of the expiration of the registration deadline under the 1997 Religion Law and in light of the possibility of additional changes in Russian law, this provision sends a strong signal that the United States attaches substantial importance to the Russian government's commitment to apply its laws consistent with its international obligations.

For the last two years, the Commission has also recommended a number of other steps that the U.S. government should take to promote religious freedom in Russia, including supporting programs by Russians aimed at preventing religious intolerance and discrimination and promoting exchanges between U.S. and Russian religious leaders, as well as judges, lawyers, and legal-rights organizations. In particular, the Commission recommended last year that the U.S. government support the activities of Russian public-interest organizations that defend the right to freedom of religion or belief in Russian courts. Given the expiration of the registration deadline and the consequent threat of legal action against religious organizations, as well as the effectiveness in some cases of the Russian judicial system in protecting religious freedom, such programs are especially important now.

Noting that religion appears to play a role on both sides of the conflict in the Caucasus, the Commission recommended in both 2000 and 2001 that the U.S. government should make the humanitarian and human rights crisis in Chechnya a high priority issue in its bilateral relations with Russia.

#### Religious Freedom and Terrorism

Let me spend my few remaining moments discussing the specific topic of terrorism as it relates to religious freedom. As I mentioned before, the fight against terrorism presents a challenge to the protection of human rights. While recognizing every government's duty to protect its people from violence and terrorism from whatever source, a government must nevertheless respect human rights. The protection of public safety and order are legitimate government interests under international human rights law. However, any restriction on the freedom to manifest religion or belief must be directly related to and proportionate to the specific need on which the restriction is predicated. Furthermore, restrictions must not be applied in a discriminatory manner.

Fighting terrorism is an opportunity to demonstrate a commitment to rule of law and human rights, rather than an excuse to abuse them. The Commission has looked closely at countries where under the banner of fighting terrorism, a government has repressed non-violent political opposition and the legitimate practice of religion. These governments have swept up those who are peacefully manifesting their religion or belief or exercising their right to freedom of association along with those who are engaged in violence. The methods used in these campaigns have violated fundamental human rights and restricted the right to freedom of religion. They have also contributed to the growth of extremism and thus, potentially, to terrorism.

Finally, promoting religious freedom is an important weapon in the fight against terrorism. As President Bush told Chinese university students during his recent visit to China:

"When I met President Jiang Zemin in Shanghai a few months ago, I had the honor of sharing with him how faith changed my life and how faith contributes to the life of my country. Faith points to a moral law beyond man's law, and calls us to duties higher than material gain. Freedom of religion is not something to be feared, it's to be welcomed, because faith gives us a moral core and teaches us to hold ourselves to high standards, to love and to serve others, and to live responsible lives."

Soon after the events of September 11, my Commission wrote to President Bush stating its concern that, in forging alliances against terrorism, the United States not compromise its commitment to human rights - including religious freedom - and democracy. In so doing we demonstrate our commitment to our principles and values, including the very rights and freedoms the terrorists would destroy. In addition, the Commission expressed the view that cooperation in the fight against terrorism does not grant a foreign government license to continue to abuse the rights of their own people.

Let me conclude by saying that conferences such as this one provide an important opportunity for us to discuss and exchange views with those of you who are charged specifically with upholding the right to freedom of religion, alongside other human rights, in your daily responsibilities and contacts with Russia's communities of religious believers. Terrorism makes it all the more important. Again, I would like to thank the conference organizers for inviting me to represent the U.S. Commission on International Religious Freedom, and I look forward to hearing from our other speakers and talking with the conference participants over the course of the next three days.